THE CITY OF BOMBAY MUNICIPAL (POST-WAR RECONSTRUCTION FUND) ACT, 1944.

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*BOMBAY ACT No. XIII OF 1944.[1]

[THE CITY OF BOMBAY MUNICIPAL (POST-WAR RECONSTRUCTION FUND) ACT, 1944.]

[*8th November 1944.*]

Amended by Bom. 39 of 1947.

An Act to supplement temporarily certain provisions of the City of Bombay Municipal Act, 1888, for the purpose of creating a post-war reconstruction fund.

WHEREAS it is expedient to supplement temporarily certain provisions of the City of Bombay Municipal Act, 1888, for the purpose of creating a post-war reconstruction fund; Bom. III of 1888.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature; 26 Geo. 5, Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

1. This Act may be called the City of Bombay Municipal (Post-War Reconstruction Fund) Act, 1944. Short title.

2. In this Act,— Definitions.

(*a*) "the principal Act" means the City of Bombay Municipal Act, 1888; Bom. III of 1888.

(*b*) words and expressions used but not defined shall have the same meaning as in the principal Act.

3. If in the opinion of the Commissioner any expenditure for any purpose, for which the moneys from time to time credited to the municipal fund are liable to be applied under the principal Act, ought to be postponed until after the termination of the war, the Commissioner may under the provisions of this Act, cause moneys for such expenditure to be credited from time to time to a separate fund called the post-war reconstruction fund. Creation of post-war reconstruction fund.

4. [*Estimate of moneys for crediting to the post-war reconstruction fund.*] *Repealed by Bom. 39 of 1947, s. 2 (1).*

5. [*Section 125A of Bom. III of 1888 not to apply to estimate under section 4.*] *Repealed by Bom. 39 of 1947. s. 2 (1).*

6. [*Preparation of budget estimate by standing committee.*] *Repealed by Bom. 39 of 1947, s. 2 (1).*

7. [*Provisions of sections 127, 128 and 129 of principal Act to apply to budget estimate prepared under section 6.*] *Repealed by Bom. 39 of 1947, s. 2 (1).*

* This Act was re-enacted by Bom. 39 of 1949, s. 2.

[1] For the Statement, *see Bombay Government Gazette*, 1944, Part IV, p. 229.

Corporation to sanction transfer of amounts from one major head of account to another

[1][8. The Corporation may, on the recommendation of the standing committee, sanction the transfer from one major head of account to another of any amount credited to the post-war reconstruction fund.]

Expenditure out of post-war reconstruction fund.

9. Expenditure out of the post-war reconstructon fund shall be provided for and made in accordanee with the provisions contained in the principal Act relating to expenditure out of the municipal fund for the next ensuing official year :

[2]Provided that expenditure out of the post-war reconstruction fund on any purpose other than the purposes for which expenditure had, pursuant to this Act, been postponed, shall not be provided for or made unless the Corporation, on the recommendation of the standing committee, has passed a resolution that such expenditure should forthwith be incurred out of the said fund :

Provided further that] for the purposes of clause (*b*) of sub-section (*1*) of section 125 of the principal Act, the Commissioner shall determine whether the whole or any part of the amount at credit of the post-war reconstruction fund shall be taken into account as a balance avilable for expenditure at the commencement of the next ensuing official year.

Variation in exercise of powers under sections 126 and 129 of principal Act.

10. The powers under sections 126 and 129 of the principal Act may be exercised by the standing committee and the corporation, as the case may be, for the purpose of increasing or decreasing the sum intended to be appropriated out of the post-war reconstruction fund for expenditure in the next ensuing official year. [3]* * *

11. [*Expenditure out of post-war reconstruction fund before termination of war.*] *Repealed by Bom. 39 of 1947, s. 2 (5).*

Duration of Act.

[4][12. (*1*) This Act shall remain in force up to and inclusive of the 31st day of March 1952.

(*2*) Any amount remaining unexpended in the post-war reconstruction fund on the aforesaid date shall be credited to the municipal fund.]

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[1] This section was substituted for the original by Bom. 39 of 1947, s. 2 (*2*).
[2] These words were substituted for the words "provided that", *ibid.*, s. 2 (*3*).
[3] The proviso was deleted, *ibid.*, s. 2 (*4*).
[4] This section was substituted for the original, *ibid.*, s. 2 (*6*).